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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/809,334  | 03/26/2004  | Ross Lyell Cowie     | 117-1 US                      | 8231             |
| 24949   | 7590        | 04/05/2006           |                               |                  |
| TEITELBAUM & MACLEAN<br>1187 BANK STREET, SUITE 201<br>OTTAWA, ON K1S 3X7<br>CANADA |             |                      | EXAMINER<br>GRAYSAY, TAMARA L |                  |
|   |             |                      | ART UNIT<br>3636              | PAPER NUMBER     |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/809,334 | <b>Applicant(s)</b><br>COWIE ET AL. |  |
|                              | <b>Examiner</b><br>Tamara L. Graysay | <b>Art Unit</b><br>3636             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-14 and 21 is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☒ Claim(s) 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawing objection made in the 21 November 2005 Office action is withdrawn because the spring clip (61) is depicted in figures 2, 6 and 8.
2. The drawings are objected to because of the following:
  - a. They fail to comply with 37 CFR 1.84(u)(2) because the view numbers are not larger than the numbers used for reference characters.
  - b. They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "19a" [0032] and "21a" [0033].
  - c. FIG.3: reference characters 37 and 39 should be interchanged because the remaining figures depict the first cross brace in front of the second cross brace.
  - d. FIG. 5: reference character 8b at the top center of the figure should be 8a because the lead line is directed to the right side upright.
  - e. FIG. 6: reference characters 44a and 44b should be 46a and 46b respectively because the reference characters depict the seat cover not the seat platform which is positioned below the seat cover.
  - f. FIG. 6: the lead line for reference character 33 is misdirected to the handle instead of the hinge.
  - g. FIG. 7: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.
  - h. FIG. 8: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.

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- i. FIG. 9: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.
- j. FIG. 9: reference character 46b at the top left quadrant of the figure should be 46a because the lead line is directed to the right seat cover.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

- 3. The abstract of the disclosure is objected to because phrases that can be implied, such as “the present invention relates to” and “according to the present invention,” should be avoided.

Correction is required. See MPEP § 608.01(b).

- 4. The disclosure is objected to because of the following informalities:
  - a. [0035] lines 6 and 7: “ride” should be right to correct a typographical error.
  - b. [0036] lines 2 and 4: “bars” should be bar because only one bar is referenced.
  - c. [0039] line 6: “upper surfaces” should be flat seating platforms 44a, 44b to more clearly and accurately describe the invention.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US-6135475).

Claim 15: Brown discloses a mobility aiding device (10) adjustable between a use (FIG. 1) and storage (FIG. 8) position comprising: a first frame member (86, 84) having a pair of ground engaging means (78, 32) at a lower end thereof; a first support (60) pivotally connected (e.g., 64) to the first frame member (84, 86); a second support (62) pivotally connected (e.g., 64) to the second frame member (88, 90) and pivotally connected to the first support (60) by way of element (18), the first and second supports (60, 62) for supporting a weight above the ground in the use position (FIG. 1); first hinge means (18, 58, 58) pivotally connected upper portions of the first and second supports (60, 62) enabling the first and second supports to pivot toward each other into the storage position (FIG. 8) while preventing any pinching action of the first and second supports during entry in the use position; first and second link means (66, 68) pivotally connected (by way of first and second frame members and hinges 64) to lower portions of the first and second supports (60, 62), for distributing the weight to the first and second frame members while in the use position; and second hinge means (unnumbered, depicted in FIG. 6 connecting the first and second link means 66, 68), the second hinge means

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parallel to the first hinge means (18, 58, 58) enabling the first and second link means (66, 68) to pivot toward each other into the storage position (FIG. 8).

*Allowable Subject Matter*

6. Claims 1-9, 11-14 and 21 are allowed.
7. Claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

8. Applicant's arguments filed 03 February 2006 have been fully considered but they are not persuasive.

Page 8, last paragraph: In response to applicant's argument that Brown includes a separate brace extending between the side frame members and not between the supports, a broad recitation of the functional pivotal relationship of the link means to the lower portions of the supports is met by the pivotal interconnection (e.g., 64) of the link means (66, 68) to the lower portion of the supports (the portions adjacent each of the hinges 64) through the first and second frame members (86, 84, 88, 90) and such recitation does not result in a structural difference between the claimed invention and the prior art. The prior art structure meets the functional relationship of the elements.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

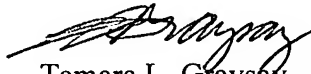
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/3/06  
Tamara L. Graysay  
Examiner  
Art Unit 3636

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